

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

U.S. TRUST COMPANY, N.A.,

Plaintiff,

-against-

ROBERT S. STOLAR,

Defendant.

Civil Action No. 07 CV 7357 (WHP) (AJP)

**NOTICE OF MOTION TO ADMIT  
CHRISTOPHER C. COSS AND  
THOMAS J. MOMJIAN  
PRO HAC VICE**

**PLEASE TAKE NOTICE**, that Gibbons P.C., counsel for U.S. Trust Company, N.A., shall move before this Court and before the Honorable Andrew J. Peck, U.S.M.J. on a date and at a time to be determined by the Court, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York 10007, pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York for an Order permitting Christopher C. Coss, Esq. and Thomas J. Momjian, Esq. to appear and participate *pro hac vice* in this matter, to argue or try this case in whole or in part as counsel. There are no pending disciplinary proceedings against them in any state or federal court.

**PLEASE TAKE FURTHER NOTICE** that the moving party shall rely upon the accompanying Declaration of Mark W. Stoutenburg, the Declaration of Christopher C. Coss, Esq. and accompanying Certificate of Good Standing, the Declaration of Thomas J. Momjian and accompanying Certificate of Good Standing, as well as all other pleadings and memoranda on file in this matter.

**PLEASE TAKE FURTHER NOTICE** that no trial date has been established in this matter.

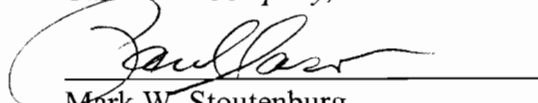
Dated: New York, New York  
August 30, 2007

**GIBBONS P.C.**

One Pennsylvania Plaza, 37th Floor  
New York, New York 10119-3701  
(212) 613-2000

*Attorneys for Plaintiff*

*U.S. Trust Company, N.A.*

A handwritten signature in dark ink, appearing to read 'Mark W. Stoutenburg', is written over a horizontal line.

Mark W. Stoutenburg

Paul A. Saso

Of Counsel:

Christopher C. Coss

Thomas J. Momjian

**COSS & MOMJIAN, LLP**

111 Presidential Blvd., Suite 233

Bala Cynwyd, Pennsylvania 19004

(610) 667-6800

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

U.S. TRUST COMPANY, N.A.,

Plaintiff,

-against-

ROBERT S. STOLAR,

Defendant.

Civil Action No. 07 CV 7357 (WHP)(AJP)

**DECLARATION OF MARK W.  
STOUTENBURG, IN SUPPORT OF  
MOTION FOR ADMISSION *PRO*  
*HAC VICE* OF CHRISTOPHER C.  
COSS AND THOMAS J. MOMJIAN**

**MARK W. STOUTENBURG, ESQ.**, an attorney duly admitted to practice before the United States District Court for the Southern District of New York, declares as follows:

1. I am a member of Gibbons, P.C., attorneys for plaintiff U.S. Trust Company, N.A. ("U.S. Trust"), in the above-captioned action. As such, I am fully familiar with the facts and circumstances set forth below.

2. I am a member in good standing of the bar of this Court, as well as the following courts: the State of New York; U.S. District Court, Eastern District of New York; U.S. Court of Federal Claims; U.S. Court of Appeals for the Second Circuit; U.S. Court of Appeals for the Federal Circuit; and the U.S. Supreme Court. I have never been disciplined, suspended or disbarred by these or any other Court.

3. I submit this affirmation in support of the motion for an order admitting Christopher C. Coss and Thomas J. Momjian to this Court *pro hac vice* as counsel for plaintiff in this case for the purpose of participating in the above-entitled action pursuant to Local Rule 1.3(c) of the Local Rules of the United States District Court for the Southern District of New

York. Messrs. Coss and Momjian are partners in the law firm of Coss & Momjian, LLP, 111 Presidential Blvd., Suite 233, Bala Cynwyd, Pennsylvania 19004, (610) 667-6912.

4. Upon information and belief, Mr. Coss is a member in good standing of the bar of the State of Pennsylvania and has inactive bar memberships in the State of Virginia and the District of Columbia.

5. Upon information and belief, Mr. Momjian is a member in good standing of the bar of the State of Pennsylvania.

6. Upon information and belief, Messrs. Coss and Momjian have never been convicted of a crime, censured, suspended, disciplined or disbarred by any court; nor do they have any disciplinary or contempt proceedings involving them pending before any court, nor have they been denied admission to the courts of any federal court during the last five years.

7. Messrs. Coss and Momjian agree to abide by the ethical standards governing the practice of law in this Court pursuant to the New York State Lawyer's Code of Professional Responsibility.

8. The purpose of this application is to make it possible for Messrs. Coss and Momjian to represent plaintiffs in this action as co-counsel to Gibbons, P.C.

9. No previous motions have been filed with respect to the subject matter of this motion.

10. The \$25.00 fee for this application, will be paid to the Clerk of the Court at the time of filing.

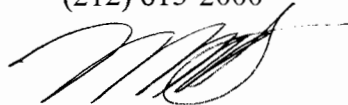
**WHEREFORE**, plaintiffs respectfully requests that an Order admitting Christopher C. Coss and Thomas J. Momjian. *pro hac vice* be entered.

Pursuant to 28 U.S.C. §1746, I declare under the penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
August 30, 2007

**GIBBONS P.C.**

One Pennsylvania Plaza, 37<sup>th</sup> Floor  
New York, New York 10119-3701  
(212) 613-2000

A handwritten signature in black ink, appearing to be 'MS', written over a horizontal line.

Mark W. Stoutenburg

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

U.S. TRUST COMPANY, N.A.,

Plaintiff,

-against-

ROBERT S. STOLAR,

Defendant.

Civil Action No. 07 CV 7357

**DECLARATION OF  
CHRISTOPHER C. COSS IN SUPPORT  
OF APPLICATION FOR ADMISSION  
PRO HAC VICE**

I, **CHRISTOPHER C. COSS, ESQ.**, hereby declares as follows:

1. I submit this declaration to the Court in support of the application for my admission to this Court *pro hac vice* for purposes of the above-captioned action.

2. I have been admitted as an attorney at law in the Commonwealth of Pennsylvania since 1989 and have inactive bar memberships in the Commonwealth of Virginia as well as the District of Columbia.

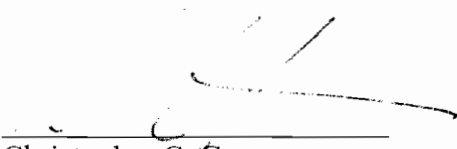
3. I am a member in good standing of the bar of the Commonwealth of Pennsylvania as shown by the attached Certificate of Good Standing.

4. I have not been the subject of disciplinary action by any court or bar.

5. I agree to strictly observe the dates fixed for scheduling conferences, motions, briefs, pre-trial conferences, trial or other proceedings. I further agree to submit to the jurisdiction of this Court for the purposes of sanctions, discipline, or other such action as the Court may deem proper and to abide by the New York State Lawyers' Code of Professional Responsibility.

6. For the foregoing reasons, I respectfully request to be permitted to appear as counsel *pro hac vice* in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

  
\_\_\_\_\_  
Christopher C. Coss

Dated: August 29, 2007



Supreme Court of Pennsylvania

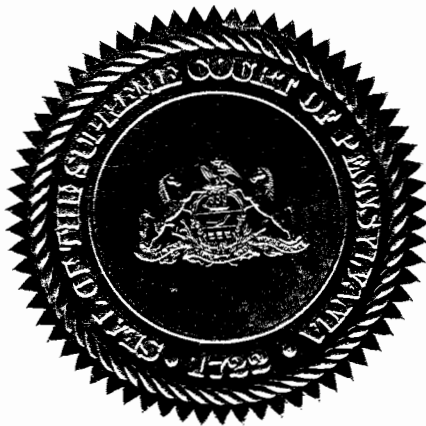
**CERTIFICATE OF GOOD STANDING**

***Christopher C. Coss, Esq.***

**DATE OF ADMISSION**

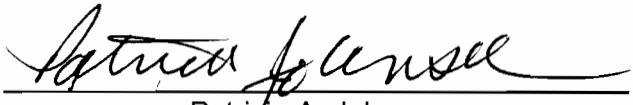
***September 7, 1989***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: August 24, 2007**

  
Patricia A. Johnson  
Chief Clerk



UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

U.S. TRUST COMPANY, N.A.,

Plaintiff,

-against-

ROBERT S. STOLAR,

Defendant.

Civil Action No. 07 CV 7357

**DECLARATION OF  
THOMAS MOMJIAN IN SUPPORT OF  
APPLICATION FOR ADMISSION PRO  
HAC VICE**

I, **THOMAS MOMJIAN**, hereby declares as follows:

1. I submit this declaration to the Court in support of the application for my admission to this Court *pro hac vice* for purposes of the above-captioned action.

2. I have been admitted as an attorney at law in the Commonwealth of Pennsylvania since 1992.


3. I am a member in good standing of the bar of the Commonwealth of Pennsylvania, as shown by the attached Certificate of Good Standing.

4. I have not been the subject of disciplinary action by any court or bar.

5. I agree to strictly observe the dates fixed for scheduling conferences, motions, briefs, pre-trial conferences, trial or other proceedings. I further agree to submit to the jurisdiction of this Court for the purposes of sanctions, discipline, or other such action as the Court may deem proper and to abide by the New York State Lawyers' Code of Professional Responsibility.

6. For the foregoing reasons, I respectfully request to be permitted to appear as counsel *pro hac vice* in this action.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are false, I am subject to punishment.

  
Thomas J. Momjian

Dated: August 29, 2007



Supreme Court of Pennsylvania

**CERTIFICATE OF GOOD STANDING**

***Thomas J. Momjian, Esq.***

**DATE OF ADMISSION**

***November 30, 1992***

The above named attorney was duly admitted to the bar of the Commonwealth of Pennsylvania, and is now a qualified member in good standing.



**Witness my hand and official seal**

**Dated: August 24, 2007**

  
Patricia A. Johnson  
Chief Clerk

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

U.S. TRUST COMPANY, N.A.,

Plaintiff,

-against-

ROBERT S. STOLAR,

Defendant.

Civil Action No. 07 CV 7357 (WHP) (AJP)

**ORDER GRANTING THE ADMISSION  
OF CHRISTOPHER C. COSS AND  
THOMAS J. MOMJIAN  
PRO HAC VICE**

This matter coming before the Court on the application of plaintiff, seeking permission for Christopher C. Cross and Thomas J. Momjian, of the firm Coss & Momjian, LLP, Bala Cynwyd, Pennsylvania, to appear *pro hac vice* in the within cause, and the Court having considered the declaration of Mark W. Stoutenburg in support thereof, and for good cause shown, it is

**ORDERED:**

1. That Christopher C. Coss and Thomas Momjian of Coss & Momjian, LLP be and hereby are granted admission *pro hac vice* for the purpose of appearing in the within matter pursuant to Local Rule 1.3(c).
2. That Christopher C. Coss and Thomas Momjian are hereby required to abide by the New York Lawyers Code of Professional Responsibility.
3. That Christopher C. Coss and Thomas Momjian notify the Court immediately of any matter affecting their standing at the bar of any other court.

4. All pleadings, briefs and other papers filed with the Court for plaintiff shall be signed by an attorney from the firm of Gibbons, P.C., authorized to practice in the Southern District of New York.

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U.S.M.J.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

U.S. TRUST COMPANY, N.A.,

Plaintiff,

-against-

ROBERT S. STOLAR,

Defendant.

Civil Action No. 07 CV 7357 (WHP) (AJP)

## AFFIDAVIT OF SERVICE

[illegible]

LORI V. DUIGNAN, being duly sworn, deposes and says:

1. I am not a party to this action and am 18 years of age or older.
2. I am employed as a paralegal by the law firm, Gibbons P.C., attorneys for plaintiff U.S.

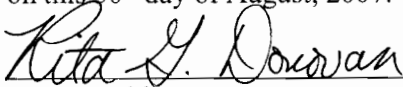
Trust Company, N.A. in the above-captioned matter.

3. I hereby certify that on this 30<sup>th</sup> day of August, 2007, I caused to be served a true and accurate copy of 1) Plaintiff's Notice of Motion to Admit Christopher C. Coss and Thomas J. Momjian *Pro Hac Vice*, 2) Declaration of Mark W. Stoutenburg in Support of Admission *Pro Hac Vice* of Christopher C. Coss and Thomas J. Momjian, 3) Declaration of Christopher C. Coss in Support of Application for Admission *Pro Hac Vice* with Certificate of Good Standing attached, 4) Declaration of Thomas J. Momjian in Support of Application for Admission *Pro Hac Vice* with Certificate of Good Standing attached, and 5) [Proposed] Order Granting the Admission of Christopher C. Coss and Thomas J. Momjian *Pro Hac Vice*, via Federal Express overnight delivery upon counsel for defendant at the following address:

Stuart Slotnick, Esq.  
Andrew Shapren, Esq.  
**Buchanan Ingersoll & Rooney P.C.**  
One Chase Manhattan Plaza, 35th Floor  
New York, NY 10005  
*Attorneys for Defendant Robert S. Stolar*

  
Lori V. Duignan

Sworn to and subscribed to before me  
on this 30<sup>th</sup> day of August, 2007.

  
Notary Public

**RITA G. DONOVAN**  
Notary Public, State of New York  
No. 01-DO6170528  
Qualified in New York County  
Commission Expires 07/09/2011